

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

**MERVIN B. STURGEON,**  
on behalf of himself and other similarly situated,

**Plaintiffs,**

v.

**Civil Action No. 5:20-cv-192**

**CITY MANAGER ROBERT HERRON,**  
individually and in his official capacity,  
**THE CITY OF WHEELING, and its division,**  
**THE WHEELING POLICE DEPARTMENT,**  
And the **WEST VIRGINIA DIVISION OF**  
**HIGHWAYS, an agency of the**  
**WEST VIRGINIA DEPARTMENT OF**  
**TRANSPORTATION**

**Defendants.**

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(C), Plaintiff Mervin Sturgeon, by and through undersigned counsel, hereby gives notice of voluntary dismissal against all Defendants of the above-styled action without prejudice.

**Respectfully submitted,**

**by Counsel,**

/s/ Loree Stark

Loree Stark  
West Virginia Bar No. 12936  
ACLU of West Virginia Foundation  
P.O. Box 3952  
Charleston, WV 25339-3952  
(914) 393-4614 / (304) 345-0207 (f)  
lstark@acluwv.org

/s/ Patrick S. Cassidy

Patrick S. Cassidy, WV State Bar No. 671  
Timothy F. Cogan, WV State Bar No. 764  
Cassidy, Cogan, Shapell and Voegelin, LC,  
The First State Capitol,  
1413 Eoff Street,  
Wheeling, West Virginia, 26003

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

**MERVIN B. STURGEON,**  
on behalf of himself and other similarly situated,

**Plaintiffs,**

v.

**Civil Action No. 5:20-cv-192**

**CITY MANAGER ROBERT HERRON,**  
individually and in his official capacity,  
**THE CITY OF WHEELING, and its division,**  
**THE WHEELING POLICE DEPARTMENT,**  
And the **WEST VIRGINIA DIVISION OF**  
**HIGHWAYS, an agency of the**  
**WEST VIRGINIA DEPARTMENT OF**  
**TRANSPORTATION**

**CERTIFICATE OF SERVICE**

I, Loree Stark, do hereby certify that on this 18th day of November, 2020, I electronically filed a true and exact copy of *Notice of Voluntary Dismissal Without Prejudice* with the Clerk of Court using the CM/ECF System.

/s/ Loree Stark

West Virginia Bar No. 12936